

*Amendments*

*In the Claims:*

Please cancel claims 16-18, 21, 24, 29-31 and 34-41 without prejudice to or disclaimer of the subject matter contained therein. Please substitute claims 1, 2, 10, 11, 14, 15, 20, 22, 23, 25-28, 32 and 33 presented below for claims 1, 2, 10, 11, 14, 15, 20, 22, 23, 25-28, 32 and 33 previously presented. Newly added claims 42-50 correspond to originally presented claims 3-9, 12 and 13, respectively. Currently amended claims are shown with additions underlined and deletions in ~~strike through text~~. No new matter is added by these amendments.

1. (Previously amended) An ear warmer, comprising:  
a shell; and  
a frame configured to be inserted in said shell, said frame including:  
a first frame member, said first frame member including a passageway and a projection disposed proximate to said first frame member passageway;  
a second frame member, said second frame member including a plurality of projections, and  
a third frame member, said third frame member including a passageway and a projection disposed proximate to said third frame member passageway, said first frame member passageway configured to receive said second frame member, said third frame member passageway configured to receive said second frame member, said first frame member projection being configured to engage a projection from said plurality of projections such that said first frame member is coupled to said second frame member, said third frame member projection being configured to engage a projection from said plurality of projections such that said first frame member is coupled to said second frame member.
2. (Original) The ear warmer of claim 1, wherein said second frame member has an inner surface, said plurality of projections being disposed on said inner surface.
- 3.-9. (Canceled)

10. (Original) A method of assembling an ear warmer frame, the ear warmer frame including a first frame member including a passageway and a projection, a second frame member including a plurality of projections, and a third frame member including a passageway and a projection, said method comprising:

inserting the second frame member into the first frame member passageway;

engaging the projection on the first frame member with the plurality of projections on the second frame member; and

coupling the second frame member and the third frame member.

11. (Original) The method of claim 10, wherein said coupling the second frame member and the third frame member comprises: inserting the second frame member into the third frame member passageway; and engaging the projection on the third frame member with the plurality of projections on the second frame member.

12.-13. (Canceled)

14. (Currently amended) An ear warmer, comprising:

a shell, said shell including a plurality of membrane portions, said plurality of membrane portions being coupled together to define an interior of the ear warmer; and

a frame configured to be inserted in said interior, said frame including:

a band having a first end and a second end;

a first ear frame member configured to be coupled to said first end of said band, said first ear frame member having an arcuate configuration; and

a second ear frame member configured to be coupled to said second end of said band,

wherein the band includes a plurality of projections, the first ear frame member is slidably coupled to the first end of the band, a portion of the first ear frame member is configured to engage a projection from the plurality of projections to retain the first ear frame member in a position from a plurality of positions along the band.

15. (Original) The ear warmer of claim 14, wherein said second ear frame member has an arcuate configuration.

16.-19. (Canceled)

20. (Currently amended) An ear warmer, comprising:  
a shell having an interior, and  
a frame disposed within the interior of said shell, said frame having a first ear portion, a second ear portion and a band portion, the first ear portion being slideably coupled to the band portion, the second ear portion being slideably coupled to the band portion, wherein the band portion includes a plurality of projections, a portion of the first ear portion engages a projection from the plurality of projections to retain the first ear portion in a position from a plurality of positions along the band.

21. (Canceled)

22. (Original) The ear warmer of claim 20, wherein said shell having a first membrane and a second membrane, the first membrane including a perimeter, a first substantially circular ear portion, a second substantially circular ear portion and a middle portion disposed between the first and the second substantially circular ear portions of the first membrane, the second membrane including a perimeter, a first substantially circular ear portion, a second substantially circular ear portion and a middle portion disposed between the first and the second substantially circular ear portions of the second membrane, at least a portion of the perimeter of the first membrane being coupled to at least a portion of the perimeter of the second membrane.

23. (Previously Presented) The ear warmer of claim 14, wherein the first ear frame member is slidably coupled proximate to the first end of the band.

24. (Canceled)

25. (Previously Presented) The ear warmer of claim 14, wherein the first ear frame member includes a passageway that is configured to slidably receive a portion of the band.

26. (Previously Presented) The ear warmer of claim 14, wherein the first ear frame member is slidably coupled proximate to the first end of the band, and the second ear frame member is slidably coupled proximate to the second end of the band.

27. (Previously Presented) The ear warmer of claim 20, wherein the first ear portion is slidable relative to the band portion independent of the movement of the second ear portion.

28. (Previously Presented) The ear warmer of claim 20, wherein the first ear portion is configured to receive a portion of the band portion.

29.-31. (Canceled)

32. (Previously Presented) A method of adjusting an ear warmer, the ear warmer including a fabric shell defining an interior, and a frame having a first ear frame member, a second ear frame member, and a band having a first end and an opposite second end, the first ear frame member being slidably coupled to the band proximate to the first end of the band, the frame being disposed in the interior of the fabric shell, the method comprising:

disposing the first ear frame member in a first position relative to the band, the ear warmer frame having a first length when the first ear frame member is in the first position; and

moving the first ear frame member along a portion of the band to a second position relative to the band, the ear warmer frame having a second length when the first ear frame member is in the second position, the second length being different than the first length.

33. (Previously Presented) The method of claim 32, wherein the second ear frame member is slidably coupled to the band proximate to the second end of the band, the method further comprising:

moving the second ear frame member along a portion of the band from its own first position to its own second position, the ear warmer frame having a third length when the second ear frame member is in its first position and a fourth length when the second ear frame member is in its second position, the third length being different than the fourth length.

42. (New) The ear warmer of claim 1, wherein said frame includes a first band member and a second band member, said first band member being coupled to said second band member, said first band member including a first frame portion and said first ear portion, said second band member including a second frame portion and said second ear portion, said first frame portion being configured to be coupled to said second frame portion.

43. (New) The ear warmer of claim 1, wherein said frame includes a first band member, a second band member, and a third band member, said first band member configured to be coupled to said second band member, and said second band member configured to be coupled to said third band member.

44. (New) The ear warmer of claim 1, wherein said frame includes a first band member, a second band member, and a third band member, said first band member configured to be coupled to said second band member, said second band member configured to be coupled to said third band member, said first band member includes said first ear portion, said second band member includes said second ear portion, and said third band member includes a first frame portion.

45. (New) The ear warmer of claim 44, wherein said first band member has its own longitudinal axis, said second band member has its own longitudinal axis, said first band member being curved about an axis substantially parallel to said longitudinal axis for said first band member, and said second band member being curved about an axis substantially parallel to said longitudinal axis for said second band member.

46. (New) The ear warmer of claim 1, wherein said first ear portion includes a first frame portion defining a first ear-hole aperture, and said second ear portion includes a second frame portion defining a second ear-hole aperture.

47. (New) The ear warmer of claim 1, wherein said frame has a longitudinal axis, said frame being curved about an axis substantially perpendicular to said longitudinal axis when said frame is in said collapsed configuration, and said frame extending along said longitudinal axis when said frame is in said extended configuration.

48. (New) The ear warmer of claim 1, wherein said frame maintains an extended shape along said longitudinal axis while in said extended configuration.

49. (New) The ear warmer of claim 10, wherein said first frame member includes a band portion and an ear frame portion, said band portion including a plurality of projections, said first frame member passageway being disposed on said band portion.

50. (New) The ear warmer of claim 10, wherein said first frame member includes a band portion and an ear frame portion, said band portion including a first surface and a plurality of projections disposed on said first surface, said first frame member passageway being disposed on said band portion.